

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 February 2024

DOCKET NUMBER: AR20230004627

APPLICANT REQUESTS: in effect, remission, waiver, or cancellation of Defense Finance and Accounting Service (DFAS) debt, and reimbursement.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Orders Number T-07-924005, 30 July 2019
- Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES), 30 August, 13 September and 1 October 2019
- DFAS debt and claims statement, 23 February 2023
- DFAS debt letter, 23 February 2023

FACTS:

1. The applicant states:

a. He recently received a debt letter at the end of February 2023 stating he had a debt of \$3467.02 from 2019 due to being overpaid via stipend between 8 August 2019 to 23 September 2019. During that time period he was on 45 days Active Duty for Training (ADT) orders at Tripler Army Medical Center. During this time, he did not receive the entitled Base Pay, Basic Allowance for Housing (BAH), and Basic Allowance for Subsistence (BAS) for an O-1 (second lieutenant (2LT)) which he was due based on the ADT orders but instead was paid his normal non-ADT stipend at the time.

b. He believes this is the source of the confusion as this stipend was supposed to be suspended while he was on ADT and instead, he should have received O-1 base pay, BAH and BAS. He has attached a copy of the debt letter, his ADT orders for the time period in question and his pay stubs from that period as proof of this discrepancy. He has since paid off the \$3,467.02 dollar debt online in order not to incur any penalties on the debt, however, he is interested in recouping the monies owed.

c. Despite it being over 3 years since the injustice was discovered he was still being charged a debt that he should not have incurred and was not paid monies that he was owed.

2. On 3 May 2016, he was appointed as a Reserve commissioned officer and executed an oath of office. He also executed a service agreement and contracted to enter the Armed Force Health Professions Scholarship Program (AFHPSP). His USAREC Form 601-37.28 (Department of the Army Service Agreement - [REDACTED] AFHPSP) states in –

a. Paragraph 20a, as a program member, he understood that he will be commissioned as an officer in a Reserve Component of the Army and serve on ADT in pay grade O-1 with full pay and allowances of that grade, for a period of 45 days during each 12-month period of program participation.

b. Paragraph 20c, except when serving on ADT, pursuant to paragraph 20a above, he will receive a stipend at the rate established by law.

2. On 2 June 2016, the U.S. Army Human Resources Command (HRC) published Orders Number C-06-607355, which assigned the applicant to the U.S. Army Reserve (USAR) Control Group (OADO (Officer Active Duty Obligor) for appointment, effective 3 May 2016.

3. He completed the Army Medical Department Basic Officer Leader Course (HPSP Reserve Component) on 22 July 2017.

4. Orders Number T-05-921348 published by HRC on 20 May 2019, ordered the applicant to ADT for 45 days with a report date of 23 June 2019 to the "NCC"-Walter Reed National Military Medical Center, Bethesda, MD; on or about 20 July 2019, he would proceed to the New York Institute of Technology, Westbury, NY, for HPSP.

5. On 30 July 2019, HRC published Orders Number T-07-924005, which ordered the applicant to ADT for 45 days with a report date of 8 August 2019 to the New York Institute of Technology, Old Westbury, NY; on or about 25 August 2019, he would proceed to Tripler Army Medical Center, HI, for HPSP. The additional instructions state:

- he would be paid as an O-1 with 2 years or less credit service
- uniform allowance not authorized
- email Medical Command Form 672-R (U.S. Army Health Professions Scholarship and Reserve Officers' Training Corps Student Performance Evaluation) to the Office of the Surgeon General
- "not reimb military pay processing by Fort Sam Houston – Defense Military Pay Office"
- submit certificate of performance (USAR Form 25-R (Individual Active Duty Certificate of Performance)) at completion of tour
- submit travel vouchers to DFAS-Indianapolis (TOI) within 5 days of completion of duty

- travel vouchers must have signature and date in blocks 20a and b and 20d and f prior to submission for settlement

6. The applicant provides DFAS Military LESs dated 30 August, 13 September and 1 October 2019, which show in pertinent part, he received pay and allowances in the grade of O-1, a stipend payment in the amount of \$1,195.80, and a total net pay of \$1,044.32.

7. On 13 April 2020, HRC published Orders Number 0420-104-SG13-18, which appointed the applicant as a captain (CPT)/O-3 in the Regular Army Medical Corps. HRC also published Orders Number A-04-000323, which ordered the applicant to active duty for acceptance of Regular Army appointment with a report date of 1 June 2020 to the Student Detachment, Tripler Army Medical Center, HI.

8. In support of his case, the applicant provides:

a. DFAS debt and claims statement dated 23 February 2023, which shows a total balance due in the amount of \$3,467.02; and the debt was due to overpayment of military pay or allowances related to an entitlement from 8 August to 23 September 2019. The entitlement was a stipend (Health Professions Incentive Pay/Financial Assistance Program). If he disagreed with the validity or amount of his debt, he was advised to contact his pay office or Defense Military Pay Office that placed him in debt and have them provide DFAS with proper documentation to alter or cancel his debt.

b. DFAS debt letter dated 23 February 2023, which informed the applicant he owed a debt and DFAS was the agency responsible for collection of his debt. He was referred to the debt statement and informed of the collection processes and procedures available to him.

9. On 7 September 2023, the Office of the Deputy Chief of Staff G-1, Chief, Military Pay Branch, provided an advisory opinion for this case and stated:

a. After careful review of the application, they recommend the Board request an opinion from the Office of the Surgeon General (OTSG). The applicant's debt is required to be addressed by that office.

b. The G-1 contacted officials at the Defense Finance and Accounting Service and was advised the debt is due to overpayment of a military pay or allowance related entitlement from 8 August 2019 to 23 September 2019. This entitlement was a stipend related to the Health Professional Incentive Pay. Since the OTSG is the proponent of the Health Professional Incentive Pay program, that office should be asked to provide an opinion regarding the applicant's debt.

10. On 7 November 2023, email communication between the Army Medical Department Incentives Program Director; U.S. Army Reserve Command (USARC), G-1, Resources Management Office, Incentives Branch; and Army Military Pay Office, Fort Sam Houston, TX, states that, HPSP students cannot receive ADT and stipend pay during the same duty period. In the case of the applicant, he received stipend pay while he was on ADT orders (see LESs from August to September). Next, the Soldier claims he did not receive pay for his ADT duty. Please see November's LES as HRC processed his ADT pay two months after the mission concluded. According to Mr. S___, this response should have come from the HPSP finance office at Joint Base San Antonio.

11. On 16 November 2023, the applicant was provided a copy of the USARC G-1, Incentives Program Manager advisory opinion to allow for comments and/or rebuttal. He did not respond.

BOARD DISCUSSION:

1. The Board carefully considered the applicants request for, in effect, remission, waiver, or cancellation of Defense Finance and Accounting Service (DFAS) debt, and reimbursement. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. HPSP students cannot receive ADT and stipend pay during the same duty period.

a. According to the applicant's LESs from August 2019 to September 2019, he received stipend pay while he was on ADT orders.

b. The applicant claims he did not receive pay for his ADT duty; however, his LES for November 2019 shows HRC processed his ADT pay two months after the mission concluded.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.
2. Title 10, United States Code, section 7837 (Settlement of accounts: remission or cancellation of indebtedness of members) states, the Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Army, whether as a Regular or a Reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.
3. Department of Defense Instruction Number 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)). In pertinent part –
 - a. Paragraph 5 (Armed Forces Health Professions Scholarship Program (AFHPSP) and Financial Assistance Program (FAP)) provides that, the Secretaries of the Military Departments may establish and maintain health professions scholarship and financial assistance programs for their respective Military Departments. The programs will consist of courses of study and specialized training in designated health professions, with obligatory periods of military training.
 - b. Paragraph 5e (Stipend, Grant, and Accession Bonus Payment) provides that, Section 2121 of Reference (d) [Title 10] entitles program participants to receive a monthly stipend except when serving on Active Duty. Additionally, those in specialized training under the FAP will be paid an annual grant, in accordance with section 2127 of Reference (d). The amount of the stipend and grant will be in accordance with the Health Professions Specialty and Incentive pay plan.
4. Department of Defense 7000.14-R Financial Management Regulation Volume 7A, Chapter 60, November 2023, in pertinent part, states in –
 - a. Paragraph 4.3 (Stipend), except during periods of active duty (see paragraph 4.1), members enrolled in this program are entitled to a monthly stipend shown on Table 60-1. These rates are payable during periods of absence. For the most current rates, see the Armed Forces Health Professions Stipend and Financial Assistance (AFHPS&FA) Program Grant table on DFAS.MIL.

b. Paragraph 4.3.1. (Payment), payment starts on the date of execution of the oath of office, the date of execution of AFHPSP contract, or the date of commencement of the academic curriculum, whichever is latest. Payment normally continues until the date of graduation or completion of specialized training. The stipend is payable during the course of study and during vacation periods when members are not on active duty. The stipend is prorated for portions of a month at the beginning and end of the course of study, and the beginning and end of any active duty period.

c. Paragraph 4.3.2. (Termination) states, if a member of AFHPSP is suspended or disenrolled from the designated course of training, stipend payments terminate on that date. Some students complete their professional degree requirements several months before the formal graduation ceremony and conferral of the professional degree. In those cases, where the actual award of a professional degree is a prerequisite to re-commissioning into a professional corps or utilization in the profession, and a lapse of time occurs for administrative reasons, the payment of the stipend should be terminated. The date for termination of the stipend should be the completion of the academic training if this date precedes the date of graduation by more than 45 days.

d. Paragraph 4.3.3. (Recoupment) states, educational costs of AFHPSP and stipends are subject to recoupment when members of AFHPSP are dropped for deficiency in conduct or studies, or when members, for other reasons, fail to fulfill their contractual agreement as a result of action not initiated by the government. Recoupment is subject to the repayment provisions of Chapter 2.

//NOTHING FOLLOWS//